



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

January 27, 2023

Via ECF

Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: *Knight First Amendment Institute at Columbia Univ. v. U.S. Dep't of State et al.*,
22 Civ. 3003 (KPF)

Dear Judge Failla:

This Office represents defendants the U.S. Department of State (“State”), the U.S. Department of Homeland Security (“DHS”), and the Office of the Director of National Intelligence (“ODNI”; collectively with State and DHS, “Defendants” or the “Agencies”), in the above-referenced case brought by plaintiff Knight First Amendment Institute at Columbia University (“Plaintiff”) pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

I write respectfully to provide a status update pursuant to the Court’s order dated November 29, 2022. *See* Dkt. No. 27.

Since Defendants’ prior status update, submitted on November 28, 2022, Dkt. No. 26:

- (1) State reviewed records pursuant to the proposed schedule and issued rolling responses on December 15 and January 17; and
- (2) ODNI issued a response letter on December 20, as anticipated in the November 28 status letter, noting that it had completed review of an additional record (an attachment to an email) inadvertently omitted from its initial review.

All three Agencies continue to await the responses to consultations with other agencies and components, which they continue to follow up on regularly. The status of the consultation requests is as follows:

- (1) State sent certain records out for consultations with other agencies and components on January 12, 2023. It expects to receive responses to those consultations, and to issue a response to Plaintiff, if possible, by February 15, 2023.
- (2) ODNI has received responses regarding all outstanding records responsive to the request from other agencies or components, except one consultation with a requested response date of January 27. ODNI expects to provide a response on all records by

February 3, 2023, except for the one remaining record subject to an outstanding consultation, as to which it expects to issue a response within 15 days of receiving the consultation response.

- (3) DHS has 163 pages of records pending consultations with other agencies and/or components. DHS will endeavor to make a production of these records by the date of the next status update, and provide further updates on any outstanding records if applicable.

Pursuant to the Court's order dated September 28, 2022, the Agencies will provide another status update in 60 days. If all outstanding consultation requests are completed and responses issued to Plaintiff before that date, Defendants respectfully propose to provide a status report to the Court within 14 days of the issuance of the final response.

Thank you for your consideration of this matter.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: /s/ Samuel Dolinger
SAMUEL DOLINGER
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel.: (212) 637-2677
samuel.dolinger@usdoj.gov

cc: Counsel of record (via ECF)

The Court is in receipt of the above status update. Per the Court's September 28, 2022 Order (see Sept. 28, 2022 Minute Entry), Defendants shall submit a further update on or before the earlier of **March 28, 2023** or 14 days after Defendants issue their final responses to Plaintiff.

SO ORDERED.

Dated: January 30, 2023
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE